

**BOROUGH OF LONGPORT WORKSHOP COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, MARCH 17, 2021 – 4:00 PM**

The meeting was called to order.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. A notice of this meeting was emailed to the Press of Atlantic City and the Current on March 11, 2021. In addition, copies of notices were posted on the bulletin board and filed in the office of the municipal clerk. Notices on the bulletin board have remained continuously posted.

ROLL CALL:	Nicholas Russo	present
	James P. Leeds, Sr.	present
	Daniel Lawler	present

Borough Solicitor Affanato, Administrator Porter, CFO Kelly, Chief Culmone, Engineer Dennis, Library Director Gerhardt, and Municipal Clerk Kyle also present.

Mayor Russo stated the location of emergency exits and noted that there is no public comment during workshop meetings.

There were technical issues experienced with the remote portion of the meeting.

Mayor Russo:

Mayor Russo discussed the Borough of Longport's 125th Anniversary of Incorporation. He noted that it will be coming up in two years and that planning will be underway for creating a celebrations committee.

He also discussed the upcoming American Legion Memorial Day Parade and how the Governor recently changed guidelines for certain types of outdoor events. He noted that the Legion is beginning to make arrangements for the parade.

Mayor Russo also discussed a traffic engineer study report provided by McMahon Associates on the Margate Promenade Project. Administrator Porter noted that he felt the study still needed to address several key questions and that he was expecting a more complete study from Ms. Sandy Koza. Mayor Russo noted that he would like to get input from residents who live on the north side of the borough, near the project area. Mayor Russo asked if Engineer Dennis had any additional information. Engineer Dennis said he reviewed the report and noted that it seemed to mostly contain information provided by the City of Margate. He did note that there was a recommendation for a transition at the border with Margate, but he agreed with the Administrator and that more questions needed to be answered. Commissioner Lawler said that the Borough would need to act quickly as the Margate project is scheduled for completion by Memorial Day. Engineer Dennis said that there was an ordinance on Margate's agenda for introduction at its meeting tomorrow. Commissioner Lawler noted that it was important to notify residents who live near the project area so they could voice their concerns to the Governing Body. He wanted to be sure that everyone is aware of the upcoming project and change in

traffic direction on Amherst Avenue. Mayor Russo also discussed holding a Special Meeting to allow residents to voice their concerns and opinions on this project. Chief Culmone recommended setting a date for a special meeting so that the police department's Public Information Officer could begin the notification process. Chief Culmone noted that there could be an additional impact on weekend and weekday parking in Longport near the project area as well as increased traffic on Sunset Avenue. Administrator Porter discussed potential increased traffic on other streets in the Borough. Solicitor Affanato noted that it would be important to get any recommended changes to Margate before the second reading of its ordinance, which was scheduled for introduction the next day. There was further discussion on this topic. Solicitor Affanato noted that he believed Margate needed to make the street one way due to the addition of angled parking. He explained that they used angled parking to increase the amount of parking spaces in the area. Engineer Dennis suggested working with Margate to hold off on making it a one-way traffic pattern until Longport had time to adjust its traffic pattern. (Commissioner Lawler noted at this time that some members of the public were having difficulty accessing the meeting remotely.) Commissioner Lawler discussed potentially making a section of Sunset Avenue one way. There was discussion regarding changing Monmouth Avenue to one way towards Margate. There was further discussion on potential ways to mitigate the traffic impact upon the Borough. Chief Culmone noted that these changes would help condition to the public to use the main thoroughfares in the Borough in lieu of the side streets. Mayor Russo requested that Engineer Dennis reach out to McMahan Associates. Once this was done, he said, the Borough could then notify residents of a special meeting.

Mayor Russo requested an update on the Well #4 project. Administrator Porter noted that work has been ongoing in order to meet a completion date of April 30th. He discussed what work still needs to be completed by the contractor. Solicitor Affanato noted that the contractor was given more time to complete the project as it needed to move the drilling location due to issues encountered with clay. He explained that he may need to legally advise them that the Borough may enforce the liquidated damages claim provision of the contract due to the delay. Although, he did not suggest doing it at this time because the main goal is to get the well project completed. He said that ARH explained that Well #1 and Well #2 could not be placed back online until Well #4 was complete. Solicitor Affanato noted he is sending them a letter stating the Borough's disagreement with them. Engineer Dennis asked if a change order had been submitted by the contractor. Solicitor Affanato noted that a change order had been submitted, but that it had not been processed yet. He added that the amount would not cover the amount of the liquidated damages claim. Mayor Russo stressed the need to continue work seven days a week to get the work completed as soon as possible. Solicitor Affanato noted that the contractor did not have a specialized drill available at this time in order to work on that timeframe. Mayor Russo said that he has only received, so far, one noise complaint regarding the project. Administrator Porter noted that he did not feel that the contractor has been fully utilizing the time allocated for construction. Solicitor Affanato said that public works was comfortable with the current schedule of work with completion by May 1. They felt that Well #3 can handle the current water demand absent any emergency demand upon the well.

Mayor Russo noted he was contacted by a resident who was concerned about back bay flooding issues and was interested in forming an ad-hoc committee to address flooding. He asked if the Engineer could meet with the resident to discuss his concerns.

Mayor Russo announced that the Spring Clean Ocean Action Beach Sweep would take place on April 17 from 9 am to 12 noon with COVID-19 CDC regulations in place.

Mayor Russo also discussed a number of letters and emails he received in support of a yoga program held outdoors during the past summer. He noted that there may be another person interested in providing yoga classes in the Borough and he would support an additional program being held if space was available. He added that received nine videos in support of the yoga program.

Commissioner Leeds pointed out that there never was discussion to cut the yoga program and that there was ample room behind Borough Hall to hold the classes.

Commissioner Lawler said that there were two individuals who had voiced concerns about holding the classes, which also included parking concerns. Commissioner Lawler said he spoke to local businesses regarding the parking and that they did not have any issues with parking. He said that he has also received a lot of positive feedback regarding the yoga classes. Commissioner Lawler explained that an ordinance had to be introduced in order to address the fees with public facility use. He noted that over time the ordinance may require revision.

Commissioner Leeds also did not believe that parking was a concern.

Mayor Russo requested that Library Director Gerhardt provide an update on library programs. Library Director Gerhardt said that the library will work together with the Borough on its upcoming 125th Anniversary celebration. He also discussed upcoming library programs and summer season hours. He noted that library would continue with its yoga program. He said the library was looking forward to hosting more outdoor events beginning in May and throughout the summer. He also discussed the museum and an upcoming Longport History Scavenger Hunt. He also discussed staffing for the museum store beginning in May and provided an update on volunteers.

Commissioner Lawler suggested that the Administrator and Solicitor provide their reports first so that so the Governing Body could then comment or ask questions on what was discussed.

Commissioner Leeds discussed a letter received from the Atlantic County Executive regarding On-the-Job Training opportunities provided by the Atlantic County Workforce Development Board. He also discussed asking the Building Department to provide a projection of the number of new homes to be built in Longport in 2021. He noted that 16 more homes had been torn down in 2020 than in 2019.

Municipal Administrator:

Administrator Porter said that the Borough's Beach Maintenance Permit Application has been submitted to the NJ Department of Environmental Protection for approval.

He also discussed the HVAC project in the police department and noted that it is near completion, pending the arrival of some needed parts. He also noted that the Governor recently issued Executive Order 229 that prohibits shutting off water and electricity supply to residential accounts for non-payment. He discussed adding this information to the website.

He also discussed the Beach Ice Cream Vending License and placing it out for bid on April 9th. He also noted that in the Governing Body's packets there is a resolution for their consideration that included two sets of prices and that they would need to decide which set they wanted for the 2021 season. Commissioner Lawler suggested keeping the prices consistent with the City of Margate. Administrator Porter also noted that this year the minimum bid was \$25,000 and that there was no provision for the

winning bidder to renew the license for the following year at a 5% increase. He added that this might be something to consider for the following year. He also discussed going out to bid in January of next year instead of April.

Administrator Porter said that there is an ordinance on the agenda scheduled for an introduction/ first reading that would consolidate Longport's court with the City of Margate. He explained that the agreement would be for five years and added that the proposed consolidation has been approved by the State.

He said that the Borough's beach tags have been ordered for the season. He explained that last summer the tags were sold at the Community Building due to the COVID-19 pandemic. He noted that this summer the tags would be sold at Borough Hall and then be moved to the Community Building later in the season.

He added that he received a notice from U.S. Senator Bob Menendez's office that the Borough might be receiving an estimated \$84,000 in American Relief Plan Funding and that he was waiting to hear more information on this.

Administrator Porter discussed the fire department boat lift project. He explained that he hoped to have the bids for the April 21st meeting so the Borough can move forward on the project.

He also discussed a resolution on the agenda that establishes the fee schedule for use of Borough facilities. He also discussed the street opening repair project and that a contract has been awarded to Hackney Concrete for this project.

Solicitor Affanato:

Solicitor Affanato noted that he contacted a consultant to prepare a proposal to address the Borough's requirements for fair housing. He noted that it was an issue first brought to his attention by previous Borough Solicitor Pat Agnellini, but that the issue had been sidelined due to the COVID-19 pandemic. He explained that a consultant would be needed to ensure that the Borough is in compliance with fair housing regulations.

He said that he sent a letter to the owner regarding Lamberti's bulkhead and that he has not yet received a response.

Solicitor Affanato said that he has not prepared a Memorandum of Understanding regarding the park area near 15th Avenue as he is waiting for the groups involved to form an entity. He said that they are working on forming an entity and that the MOU could be ready for the next commission meeting. Administrator Porter said that the group is ready to move forward with the creation of the park.

Solicitor Affanato explained that even though the NJ DEP has the Borough's Beach Maintenance Permit Application, he did not anticipate a quick approval so he was preparing to apply for an emergency permit as of April 1st in order to get the beaches ready for the summer season.

Engineer Dennis:

Engineer Dennis thanked the Governing Body for his appointment and introduced himself to the public as the Borough's new Municipal Engineer.

Municipal Clerk Kyle:

Municipal Clerk Kyle thanked the Longport Public Library for use of its GoToMeeting license for its remote public meetings and added that the Borough recently acquired its own license for use going forward. Municipal Clerk Kyle also asked the Governing Body if it would be interested in participating in another paper-shredding event with the City of Margate. There was agreement to join Margate in the event to be held from 9 am to 12 noon on April 24th at the Margate City Public Works Yard.

Miscellaneous:

None.

Motion to Adjourn – Commissioner Lawler, seconded by Commissioner Leeds. All in Favor – Yes. None Opposed. Meeting adjourned at 4:53 pm.

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ROLL CALL:	Nicholas Russo	present
	James P. Leeds, Sr.	present
	Daniel Lawler	present

Borough Solicitor Affanato, Administrator Porter, CFO Kelly, Chief Culmone, Engineer Dennis, and Municipal Clerk Kyle also present.

Emergency Exits, Public Speaking Announcement – announced by Mayor Russo.

Approval of minutes-

Municipal Clerk Kyle requested a motion for approval of the minutes from the February 17, 2021, Workshop and Regular Commission Meeting. Commissioner Leeds made a motion, seconded by Commissioner Lawler, to approve the minutes from the February 17, 2021, meetings. ALL AYES- none opposed.

ORDINANCES – SECOND READING/ PUBLIC HEARING on O2021-04 - An Ordinance Authorizing the Salaries, Wages and Compensation in Year 2021 for Employees Not Covered by Previous Ordinance or Union Contracts

No one wished to speak on ordinance 2021-04.

ORDINANCES – SECOND READING/ PUBLIC HEARING on O2021-05 - An Ordinance Amending Chapter 61, Beaches, Parks, Recreation Areas and Facilities, Sections 61-80 through 61-81.1

Mr. Mark Hyman of 4 N. 31st Avenue asked if this ordinance is based on the fees for use of Borough property. He wanted to know what this ordinance addressed. Solicitor Affanato explained that the ordinance addresses when public property can be used and the fees are addressed by a resolution on the agenda.

Mr. Hyman asked what defines exclusive, non-exclusive, and organized use. He questioned if a beach photographer would need to get insurance for taking photos on the beach. He discussed another example of how he used a Borough gazebo without exclusive use. He did not agree with charging

residents to use Borough facilities. He reiterated his question about what defines exclusive use, versus non-exclusive use, and organized use.

Mr. Bob English of 130 N. 32nd Avenue noted that he has consistently opposed the use of public facilities by for-profit organizations. He requested that if the Governing Body was going to move forward with this ordinance that when applications are approved that there be an addendum to the agenda including the various for-profit use applications. He also discussed how ice cream vendors on the beach had to undergo a background check and that he believed that individuals involved with other for-profit activities that involved children should also undergo a similar background check.

Ms. Arianne Green, the yoga teacher of classes held over the summer behind Borough Hall, thanked the Governing Body for the opportunity to teach classes behind Borough Hall. She said the classes helped people create ‘peace of mind’ during a difficult time. She said she hoped that she would have the opportunity to do the same this upcoming summer. She was in favor of adopting the ordinance.

Talya Khabibulina of 3006 Sunset Avenue shared Ms. Green’s sentiments regarding yoga classes held behind Borough Hall this past summer. She also expressed her gratitude to the Governing Body for permitting yoga behind Borough Hall. She felt that the classes provided a much needed outlet during the COVID-19 pandemic. She also noted that many members of the community were able to participate in program and that it filled a need in the community.

Mayor Russo noted that he received numerous letters, emails and videos in support of the yoga program and he was impressed by how important the program was to so many.

ORDINANCES

Number	Title
2021-04	An Ordinance Authorizing the Salaries, Wages and Compensation in Year 2021 for Employees Not Covered by Previous Ordinance or Union Contracts
Purpose	The purpose of this ordinance is to establish salaries, wages and compensation in the year 2021 for employees not covered by a previous ordinance or union contract.
Motion	Motion – Commissioner Leeds, seconded by Mayor Russo to adopt Ordinance #O2021-04.
Roll Call Vote	Mayor Russo – Yes Commissioner Leeds – Yes Commissioner Lawler – Yes ALL AYES. None opposed.
2021-05	An Ordinance Amending Chapter 61, Beaches, Parks, Recreation Areas and Facilities, Sections 61-80 through 61-81.1

Purpose	The purpose of this ordinance is to add and amend the rules governing use of Borough Facilities.
Motion	Motion – Commissioner Lawler, seconded by Commissioner Leeds to adopt Ordinance #O2021-05.
Roll Call Vote	Mayor Russo – Yes Commissioner Leeds – Yes Commissioner Lawler – Yes ALL AYES. None opposed.

First Reading/ Introduction of Ordinance O2021-06 – An Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14). *A second reading and public hearing will be held at the April 21, 2021, Regular Commission Meeting that will follow the 4 pm workshop meeting.*

First Reading/ Introduction of Ordinance O2021-07 – An Ordinance Providing for Agreement Between the City of Margate City and the Borough of Longport for Shared Municipal Court Services Pursuant to N.J.S.A 2b-12-1C. *A second reading and public hearing will be held at the April 21, 2021, Regular Commission Meeting that will follow the 4 pm workshop meeting.*

ORDINANCES

Number	Title
2021-06	An Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)
Purpose	The purpose of this ordinance is to increase its CY 2021 budget by up to 3.5% over the previous year’s final appropriations in the interest of promoting the health, welfare and safety of its citizens
Motion	Motion – Commissioner Leeds, seconded by Commissioner Lawler to Introduce Ordinance #O2021-06.
All in Favor	ALL AYES. None opposed.
2021-07	An Ordinance Providing for Agreement between the City of Margate City and the Borough of Longport for Shared Municipal Court Services Pursuant to N.J.S.A 2b-12-1C.
Purpose	The purpose of this ordinance is to provide an agreement to share the services of the municipal courts between the City of Margate City and the Borough of Longport.
Motion	Motion – Mayor Russo, seconded by Commissioner Lawler to Introduce Ordinance #O2021-07.
All in Favor	ALL AYES. None opposed.

Public Comment or questions on listed resolutions:

Chief Culmone of the Longport Police Department discussed Ordinance 2021-07. He said that he has been contacted by County of Atlantic County Counsel James Ferguson, NJ Courts Judge Sandson, Mr. Berchtold, and Atlantic/ Cape May Division Manager Jetter regarding an ordinance that the Atlantic County Board of Commissioners is preparing to introduce to consolidate court services into a county-wide court service. He noted that there might be more savings to the Borough with the County and that the Governing Body may want to consider changing the language so it is not committed to a five-year agreement with Margate. He suggested a year to year agreement. Solicitor Affanato explained that the contract contains an 'out clause' if needed. Administrator Porter noted that the Borough would be required to provide Margate with six months' notice.

RESOLUTION 2021-48 – A Resolution to Authorize Introduction of the Year 2021 Municipal Budget. A second reading and public hearing is scheduled to take place on April 21, 2021, following the 4 pm workshop meeting in Longport Borough Hall located at 2305 Atlantic Avenue.

MOTION to INTRODUCE RESOLUTION 2021-48 – COMMISSIONER LEEDS, SECONDED – COMMISSIONER LAWLER.

ROLL CALL VOTE: MAYOR RUSSO – YES, COMMISSIONER LEEDS – YES, COMMISSIONER LAWLER – YES. ALL AYES. NONE OPPOSED.

Commissioner Leeds noted that a great deal of work went into preparing the budget this year and he commended the efforts of CFO Kelly and Administrator Porter.

CFO Kelly added that there was no increase in the municipal tax rate this year. This did not include school or county taxes.

RESOLUTIONS – CONSENT AGENDA (R2021-49 through R2021-58)

Number	Title
2021-49	Resolution Adopting Fees for Use of Borough Property MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2021-50	Approval of Change Order Number 1 – Final – 2019 Improvements to Atlantic Avenue – from 32 nd Avenue to Margate City Line MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2021-51	A Resolution Adopting Rules and Regulations for Beach Vending, Adopting Terms and Conditions of Licensure and Giving Notice for the Sale of a Beach Vending License MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2021-52	A Resolution Regulating Use of Basketball Courts MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2021-53	A Resolution Authorizing Disposal of Surplus Property MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2021-54	Establishment of an Emergency 'No Parking' Area South Side of Atlantic Avenue from the Margate City Line to the South Easterly Corner of 24 th Avenue; also on the North Side of Atlantic Avenue from the Westerly Side of 34 th Avenue to the

	Easterly Side of 33 rd Avenue MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2021-55	Resolution of Municipal Endorsement of Members of the Longport Volunteer Fire Department to Apply for Membership in the New Jersey State Firemen’s Association MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2021-56	A Resolution Authorizing Adoption of Written Indoor Air Quality Program MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2021-57	A Resolution Approving the Application of the Longport Volunteer Fire Department for Conducting a Coin Drop on Ventnor Avenue, a County Road MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2021-58	A Resolution Authorizing the Commissioner of Public Safety and Public Affairs to Enter into an Agreement with ESO Solutions, Inc., for Fire Department Software MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.

BILL LIST

Commissioner of Finance and Revenue, Jim Leeds, Sr., asked if there were any questions on the Bill List of March 16, 2021. There were none. MOTION – LEEDS, SECOND – LAWLER. ALL IN FAVOR - ALL AYES. NONE OPPOSED.

FINANCIAL SUMMARY REPORT

Commissioner of Finance and Revenue, Jim Leeds, Sr., asked if there were any questions on the Financial Summary Report. There were none. MOTION – LEEDS, SECOND – LAWLER. ALL IN FAVOR - ALL AYES. NONE OPPOSED.

COMMISSIONERS REPORTS:

MAYOR RUSSO

Mayor Russo noted that children who submitted entries for the 2021 Beach Tag Design Contest have received letters and that two winners have been selected.

COMMISSIONER LEEDS

Commissioner Leeds noted that all the entries received for the contest were very good.

COMMISSIONER LAWLER

Commissioner Lawler had nothing further to report.

MUNICIPAL ADMINISTRATOR’S REPORT:

Administrator Porter discussed that there was resident concern regarding traffic flow safety at 27th and Oberon avenues. He noted that the police department has been monitoring the intersection and that as of the current date there were no reported concerns or traffic violations. He added that the department was also going to do traffic counts, but there was an issue with the equipment and this would need to take place at a later date. There were no recommendations for changes in that area at this time, but it

was noted that information was still being gathered. Mayor Russo requested that Administrator Porter reach out to the residents involved. Chief Culmone provided details of the police department's monitoring of the area.

SOLICITOR'S REPORT:

Nothing further to report.

ENGINEER'S REPORT:

Nothing further to report.

PUBLIC COMMENT

Mr. Mark Hyman of 4 N. 31st Avenue discussed a recent burglary on his street. He noted that his video surveillance camera may have captured some information that the police department might be interested in. He also noted that another property in the area has a larger camera that might have captured additional information.

Mr. Hyman also discussed flooding on his street. He asked Engineer Dennis to help address the flooding on his street. He said the flood waters can reach as high as the axles on his truck. He also discussed some ideas on how to potentially address the issue.

Mr. Hyman also discussed the street opening repairs that Hackney is scheduled to complete and recommended reaching out to a South Jersey Gas subcontractor who he said does a wonderful job repairing street openings.

Mr. Rick Ricciardi of 109 N. 36th Avenue requested that the Governing Body modify its ordinance regarding dogs on the beach to extend the time period that dogs are permitted on the beach. He suggested changing the time frame that dogs are not permitted on the beach from May 20th through September 15th. Mayor Russo discussed the history of the ordinance. He agreed that it might be time to revisit this topic and that the Borough will look into what other municipalities are doing.

Mr. Fran Caulfield of 3301 Monmouth Avenue asked if there would be a time when the municipal budget would be reviewed in detail. CFO Kelly noted that there would be a budget presentation at the next Commission Meeting. Mr. Caulfield asked if all budget the information is currently available on the website. CFO Kelly noted that the information would be available soon if it was not already posted.

Ms. Suzy Lawler of 121 N. 35th Avenue also requested that the Governing Body consider extending the time frame that dogs are permitted on beaches. She noted that the City of Ventnor permits dogs on the beach every day during certain times.

Mr. Douglas Farrell of 16 S. 32nd Avenue voiced his support of the proposed park area on 15th through 16th avenues. He also expressed concern about the Point area. He noted that it was in dire need of beautification and that it was also very dangerous with old building materials strewn throughout the area, including exposed rebar. He said that someone could get hurt and that the area is a liability for the Borough. He strongly recommended that the Governing Body address this issue as soon as possible. Solicitor Affanato explained that one of the issues preventing the Borough from addressing the Point area is that there is a pile of sand in the area that the NJ DEP is considering a 'dune' and the Borough cannot remove it. He noted that the Borough would need to contest the DEP's interpretation and that the Borough would need to get the DEP in Longport to address this. Commissioner Lawler agreed with

Mr. Farrell and said that he has been trying to address the area for years. He explained that the previous engineer had a plan in place, but the 'dune issue' with the NJ DEP has prevented the Borough from moving forward with its plans. It was noted that the so called 'dune' area was actually created by the Borough and was not a dune. Solicitor Affanato said that once the Borough has its Beach Maintenance Plan approved, it could then address this issue with the NJ DEP. Mayor Russo also stated that the Point area would provide a great location for bay access for kayakers. Commissioner Leeds expressed concern that the anything in the water would require NJ DEP permission for removal. There was further discussion on this topic.

ADJOURNMENT

MOTION – MAYOR RUSSO, SECOND – COMMISSIONER LAWLER. All AYES- none opposed. Adjournment – 5:38 pm.